

DDA 75-5948

15 DEC 1975

MEMORANDUM FOR: Chief, Information and Privacy Staff
Legislative Counsel

SUBJECT : Congressional Inquiries on Behalf of Constituents
and the Privacy Act

As you know, neither the Privacy Act nor the Agency Privacy Act regulations provide for an individual member of Congress to receive information on a constituent from the Agency without prior written consent of the constituent. Recently, OMB suggested that Federal agencies adopt a "routine use" applicable to all records systems that would permit disclosure of information on a constituent to a member of Congress without the express written consent of the constituent. I have reviewed this matter with our General Counsel and with representatives of investigative agencies. I am persuaded that we must continue to require that all requesters of information pursuant to the Privacy Act comply with the identification requirements set forth in our regulations. Accordingly, the Information and Privacy Staff (IPS) shall adhere to the following procedure in responding to inquiries from members of Congress on behalf of their constituents.

- IPS will acknowledge receipt of the request to the constituent and, as necessary, inform the individual of the Agency's identification requirements, i.e., full name, date and place of birth, and a notarized statement attesting to the identity of the constituent.
- Acknowledge receipt of request to the member of Congress advising that the Agency is in direct contact with the constituent. This correspondence will, of course, be coordinated with OLC.
- Results of the records search shall be forwarded directly to the constituent unless there is a clear written directive from the constituent informing the Agency to forward the information to a designated Congressman.

/s/John F. Blake

John F. Blake
Deputy Director
for
Administration

O/DDA: [REDACTED] ydc (15 Dec 75)

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